

In re Patent Application of  
**PURVIS**  
Serial No. 09/703,277  
Filed: OCTOBER 31, 2000

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REMARKS

Applicants thank the Examiner for the careful and thorough examination of the present application, and for the indication of allowable subject matter. By this amendment, various claims have been amended to eliminate minor informalities and potential indefiniteness contained therein. Also, independent Claim 12 has been amended and new independent Claim 26 has been added to reflect a more appropriate scope in view of the BPAI opinion *Ex parte Eggert*. Claims 1-22 and 26-28 are now pending in the application. Favorable reconsideration is respectfully requested.

Applicants submit that the present amendments should be entered and considered in view of the prematurity of the previous Office Action under *Ex parte Quayle*. For example, original Claim 14 included a potential indefiniteness problem regarding the recitation "said angulation means" which had no proper antecedent basis. Also, for example, original Claim 16 included the phrase "such as" which may have been unclear. Furthermore, in view of the BPAI opinion *Ex parte Eggert*, including the restatement of the recapture doctrine, and the consequential withdrawal of the rejection under 35 USC §251 in the present application, Applicants should have the opportunity to submit any appropriate amendments.

With respect to the claim amendments, there is simply no teaching or suggestion in the cited references to provide the combination of features as claimed. Accordingly, for at least the reasons given above, Applicants maintain that the cited references do not disclose or fairly suggest the

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invention as set forth in amended independent Claim 12 and new independent Claim 26. Furthermore, no proper modification of the teachings of the cited references could result in the invention as claimed.

It is submitted that the independent claims are patentable over the prior art. In view of the patentability of the independent claims, it is submitted that their dependent claims, which recite yet further distinguishing features are also patentable over the cited references for at least the reasons set forth above. Accordingly, these dependent claims require no further discussion herein.

Additionally, submitted herewith is a statement by the inventor regarding the loss of the original patent, as requested by the Examiner.

### III. Conclusion

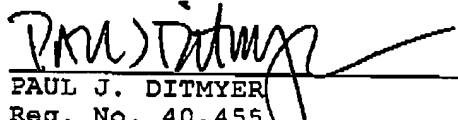
In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. An early notice thereof is earnestly solicited. If, after reviewing this Response, there are any remaining issues that need to be resolved before the application can be passed to issue, the Examiner is invited and respectfully

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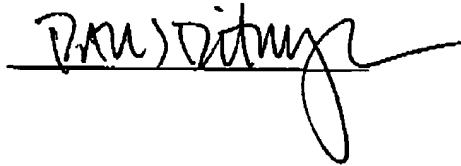
requested to contact the undersigned by telephone to resolve  
such informalities.

Respectfully submitted,

  
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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has  
been forwarded via facsimile number 703-872-9326 to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-  
1450 this 10<sup>th</sup> day of February, 2004.

  
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